

10s  
wherein once secured from step (b) said pad is capable of absorbing at least some liquid runoff originating from the user's hair during a hair treatment.

#### REMARKS

This Amendment is responsive to the Office Action dated September 29, 2003. In that Action, the Examiner rejected claims 11-20 under 35 U.S.C. §102(b) as being anticipated by Craig. Claim 13 was rejected under Section 112, second paragraph. Claims 1-10 were allowed. Applicant respectfully traverses the Examiner's rejections and objections and offers the foregoing amendments and remarks in support thereof.

Claims 11, 13 and 18 have been amended. Claim 21 has been added. No new matter has been inserted. In compliance with 37 C.F.R. §1.173(c), Applicant respectfully states the claims 1-21 remain pending in the application.

Applicant has amended Claim 13 to more clearly state that the apertures, Applicant is referring to are eye apertures which would permit a person to see through the body member.

As to the Section 102(b) rejection in view of Craig, Craig is an eye shield and fails to teach that the shield is attached to a substantial portion of the upper part of the user's forehead including the area adjacent to where the user's forehead meets the user's hairline to absorb at least some liquid runoff originating from the user's hair during a hair treatment. Support for this feature is found in the drawing figures and at Col 2., lines 44-46. Again, Craig is concerned with protecting a patient's eyes during surgery, while still being able to see the eyes during the surgical procedure for monitoring purposes.

Craig also fails to teach of a body member or pad free of any substantially human eye sized apertures (Claims 13 and 18). Craig requires two apertures/openings 18 and 19 for securement

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and receipt of transparent covers 20. In the event, the Examiner interprets Craig's sponge-like pad to include the transparent covers 20, then such pad is no longer substantially planar, as the covers are convex in shape.

A method claim (Claim 21) has now been added.

Accordingly, Applicant respectfully requests that the Examiner's Section 102(b) rejection based on the Craig reference be withdrawn.

Applicant has completely responded to the Office Action dated September 29, 2003. Favorable action is respectfully requested.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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Daniel S. Polley, Reg. No. 34,902  
Malin, Haley & DiMaggio, P.A.  
1936 South Andrews Avenue  
Ft. Lauderdale, Florida 33316  
Tel: (954) 763-3303